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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,290	01/03/2002	Dennis Hancock		4234

7590 07/12/2002

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EXAMINER

SZUMNY, JONATHON A

ART UNIT PAPER NUMBER

3632

DATE MAILED: 07/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/035,290

Applicant(s)

HANCOCK ET AL.

Examiner

Jon A Szumny

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--- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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This is the first office action for application number 10/035,290, Multiple Use Base Holder System, filed on January 3, 2002.

Election/Restrictions

This application contains claims directed to the following patentably distinct species of the claimed invention:

Group I: Figures 8 and 9

Group II: Figures 10 and 11

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

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Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

During a telephone conversation with the inventor, Dennis Hancock, on June 21, 2002 a provisional election was made without traverse to prosecute the invention of group I, claims 1-7. Affirmation of this election must be made by applicant in replying to this Office action. Claim 8 is withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Priority

Domestic priority of application number 09/460,501 filed on December 14, 1999 is acknowledged.

Specification

The disclosure is objected to because of the following informalities:

On page 7, line 1, the first occurrence of "is" should be removed.

Appropriate correction is required.

Claim Objections

Claim 4 is objected to because of the following informalities:

In line 2, "asrticle" should be --article--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 3-7 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 3, neither the specification nor the drawings described or showed "means for adjusting the angular relationship of at least one of said article holders...". However, for the purposes of this office action, the Examiner will attempt to apply the art as best understood.

Further, with respect to claim 4, neither the specification nor the drawings described or showed the system of claims 1 and 3 including, inter alia, bifurcated arms, in addition to "strap means" as recited in claim 4.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter that the applicant regards as his invention.

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Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said sprocket" in line 9. There is insufficient antecedent basis for this limitation in the claim. It appears "sprocket" should be --socket-- and the Examiner will assume "sprocket" is --socket-- so as to correspond with "socket" from line 7.

With respect to claim 3, line 2, it is not understood if "a pair of base units" includes the "base unit" previously recited in independent claim 1. If it does not, then claim 3 essentially includes three base units, which is not shown in the drawings. For instance, stating --a pair of said base units-- would alleviate this part of the rejection.

Further regarding claim 3, the word "means" is not preceded by a functional word(s), and it is therefore impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. However, as previously mentioned, the Examiner will attempt to apply the art as best understood.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent number 4,358,080 to Wolker.

Wolker '080 discloses a system (figures 1-6) comprising a base unit (figure 5) including a platform (figure 5), a means (column 2, lines 63-64) for securing the platform, and an exteriorly splined shaft (figure 5), in addition to an article holder (figure 1) including an interiorly splined socket (figure 1) fitting over and cooperating with the exteriorly splined shaft and bifurcated arms (figure 1) extending from opposite sides of the socket; wherein the bifurcated arms each have at least one flexible vane (figure 1) extending inwardly towards an opposite one of the bifurcated arms and towards the socket; wherein the angular relationship of the article holder is adjusted relative to the base unit to which it is secured via the article holder being positioned on the base unit at the desired position of an operator.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wolker '080.

Wolker '080 discloses the previous invention wherein the platform of the base unit is secured to a surface, but fails to specifically teach a pair of base units with article

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holders respectively secured thereto to be interconnected. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a pair of base units (inherently being interconnected via the surface) since doing so would be seen as simply a duplication of parts, and would inherently increase the utility of the system. See *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Waldbauer '081, Strecker '209, Tseng '856, O'Rorke '142, Gollin et al. '179, Anscher et al. '660, Andre '321, Schäty '891, Fenner '982, Logsdon '741, Roberts '654, Olson et al. '985, DeRosa et al. '361, Larkin et al. '899, Todd et al. '802 and de Beers et al. '573 divulge various holding systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon A Szumny whose telephone number is (703) 306-3403. The examiner can normally be reached on Monday-Friday 8-4.


The fax phone number for the organization where this application or proceeding are assigned is (703) 305-7687.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Jon Szumny
Patent Examiner
Technology Center 3600
Art Unit 3632
July 8, 2002



RAMON O. RAMIREZ
PRIMARY EXAMINER
ART UNIT ~~355~~ 3632

PRECISE LINES
INTERIORLY SPLICED SOCKET

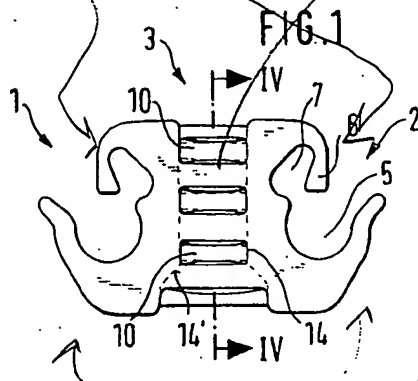
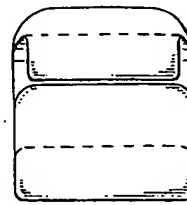


FIG. 2



BIFURCATED ARMS

FIG. 3

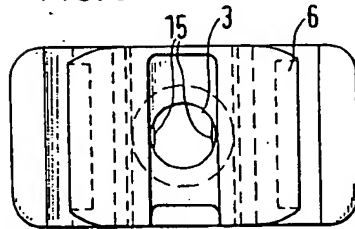


FIG. 4

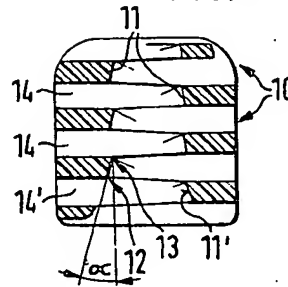
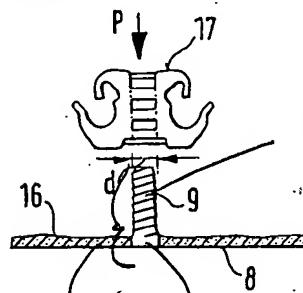
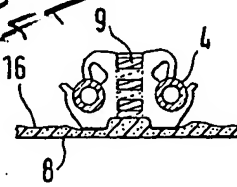


FIG. 5



EXTENSION SPLICED SHAFT

FIG. 6



CASE UNIT
PLATFORM

FIG. 7

